

**REMARKS**

Claims 1-6, 8-16 and 18-22 are pending in this application, with claims 1, 11, 18, 21 and 22 being amended by this response.

Claims 1, 11 and 18 have been amended to further clarify the present invention. The first panel includes "a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical and tabular format." Support for these amendments can be found throughout out the specification, and specifically on page 7, line 29 to page 8, line 10 and Figure 3, as well as in the original claims. Applicant respectfully submits that no new matter has been added by these amendments.

Claims 21 and 22 have been amended to further clarify the present invention. Support for these amendments can be found throughout out the specification, and specifically on page 7, line 29 to page 8, line 10 and Figure 3, as well as in the original claims. Applicant respectfully submits that no new matter has been added by these amendments.

**Rejection of Claims 1-6, 8-16 and 18-23 under 35 U.S.C. 103(a)**

Claims 1-6, 8-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace (U.S. Pat. No. 6,305,373) in view of Schoenberg (U.S. Pat. Pub. No. 2005/0125256). These claims, as amended, are deemed to be patentable for the reasons given below.

The present claimed invention provides a system and method for displaying medical information derived from a plurality of sources. A processor acquires data associated with a patient from at least one of the plurality of sources. The processor prioritizes the acquired data for display in a desired order. A menu generator generates a composite window including a first panel for displaying user specified parameters of

the ordered acquired data in a graphical format, a second panel for displaying user specified parameters of the ordered acquired data in tabular format, and a third panel for displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data. The second panel includes a slider bar for navigating through the user specified parameters in tabular format. The first panel includes a cursor, being controlled by the slider bar. The slider bar controls the cursor and enables concurrent user navigation in both the first and second panels through the user specified parameters in both graphical and tabular format. These features are neither disclosed nor suggested by Wallace and Schoenberg.

Wallace describes a user-friendly graphic interface for use in setting up and carrying out a wide variety of respiratory therapies. The system allows “great flexibility in the setup of the ventilator and the thresholding and display of alarms...[T]he invention allows the setup of alarms by the user so that graphic, aural and visible alarms of various urgency may be displayed to the user, and the setup of alarms is displayed graphically as well so that the ease of use and alarm setup is enhanced” (column 5, lines 45-52). Contrary to the assertion in the rejection, Wallace neither discloses nor suggests “a processor for acquiring data associated with a patient from at least one of the plurality of sources, the processor prioritizing the acquired data for display in a desired order,” as recited in the present claimed invention. Column 4, lines 17-27 of Wallace describes that the user is provided with alarm indicators indicating the severity of a particular alarm. This feature of Wallace merely provides a label for an alarm, indicating the seriousness of the situation causing the activation of the alarm. The present claimed invention, on the other hand, provides the acquired data associated with a patient in a desired order on the screen. There is nothing in the cited passage, or elsewhere in Wallace that describes or suggests “a processor for acquiring data associated with a patient from at least one of the plurality of sources, the processor prioritizing the acquired data for display in a desired order,” as recited in the present claimed invention.

As recognized on page 2-4 of the rejection, “Wallace fails to expressly teach the generating a composite window” and “second panel includes a slider bar for

Application No. 09/942,516 Attorney Docket No. 2000P09059US01

navigating through the user specified parameters in tabular format; and said first panel includes a cursor, said cursor being controlled by said slider bar wherein navigation through said user specified parameters in tabular from by said slider bar causes the concurrent navigation of said cursor through said user specified parameters in graphical format,” as recited in the present claimed invention. The Examiner cites Schoenberg in combination with Wallace in an attempt to show these features. Applicant respectfully submits that contrary to the assertion on page 4, of the rejection, these features are neither disclosed nor suggested by Schoenberg. Rather, paragraph 0037 of Schoenberg cited in the Office Action describes that the controller includes a user device, responsive to a user selection where the device can be a keyboard, mouse, light pen, trackball, touch pad, or voice controlled pointer provided by speech recognition software. Schoenberg in paragraph 0052 describes a “drag and drop” feature whereby the user can select a row from the tabular data, drag that row to the graph and drop that row of data into the graph. This feature can also work in reverse and the user can drag the graph and drop it into the tabular region of the screen, **removing it from the graphic display region**. Once the information is moved, it no longer exists in the previous form. This is wholly unlike the present claimed invention where automatic steps are provided to concurrently navigate through user specified data and parameters in graphical and tabular format thereby providing a more efficient means for analyzing and matching data parameters to diagnose the health and condition of a patient. In the present claimed invention, when the user moves the “slider bar” in the “second panel” to navigate “through the user specified parameters in tabular format,” the “cursor” in the “first panel” navigates concurrently through the graphical data with the navigation through the tabular data in the second panel. Thus, a temporal relationship between the data shown in the tabular format and the data shown in the graphical format is advantageously maintained. The present claimed invention increases patient safety by facilitating the determination of a diagnosis by a caregiver to focus their attention on the patient rather than being occupied in changing the data in the panels to correspond. The present claimed invention further provides “an efficient way to process and display the large amount of data from the various medical devices” (Specification, page 2, para. 3).

Additionally, paragraph 0054 and Figure 2B of Schoenberg cited by the Examiner merely describes that multiple **graphical displays** of patient data may be presented. The user can select the number of graphs they wish to see in a given display from the menu bar. IM 1 displays 1 graph, IM 2 displays 2 graphs, IM 3 displays 3 graphs and IM 4 displays 4 graphs. Nowhere in this paragraph, or elsewhere in Schoenberg is there any disclosure or suggestion of “second panel includes a slider bar for navigating through the user specified parameters in tabular format; and said first panel includes a cursor, said cursor being controlled by said slider bar, said slider bar controlling said cursor and enabling concurrent user navigation in both said first and second panels through said user specified parameters in both graphical and tabular format,” as recited in the present claimed invention.

It is also respectfully submitted that there is no reason or motivation to combine these two references as Wallace is concerned with entering ventilator settings to control the ventilator and setting appropriate alarm settings while Schoenberg is directed towards providing subsets of data regarding patient medical information to respective groups of users. These references are concerned with entirely different problems in the medical field. Wallace is concerned with facilitating the set-up of a ventilator and ventilator alarms. Schoenberg is concerned with providing immediate and selective access to various members of a medical team treating a patient, based on the function performed by each member. Additionally, neither of these references is concerned with concurrently navigating through the display of data in graphical and tabular format as in the present invention and thus there is no recognition of the problems solved by the present claimed invention.

Additionally, Applicant respectfully submits that even if these two references were combined, such a combination would produce a system whereby members of a medical team, based on the function they perform, may enter and control settings for the ventilator and alarms. This combination still neither discloses nor suggests “a composite window including a first panel for displaying user specified parameters of said ordered acquired data in a graphical format, a second panel for displaying user

specified parameters of said ordered acquired data in tabular format, and a third panel for displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data” as recited in the present claimed invention. Additionally, the combination of these two references also neither show nor suggest “said second panel includes a slider bar for navigating through the user specified parameters in tabular format; and said first panel includes a cursor, said cursor being controlled by said slider bar to navigate through said user specified parameters in graphical format in synchronism with navigation through said user specified parameters in tabular format” as recited in the present claimed invention. Consequently withdrawal of the Rejection of claim 1 under 35 U.S.C. 103(a) is respectfully requested.

Claims 2 and 3 are dependent on claim 1 and are considered to be patentable for the reasons given in connection with claim 1.

Applicant further respectfully submits that, contrary to the assertions made in the Office Action, Wallace (with Schoenberg) neither discloses nor suggests the features of claims 4 and 5 of the present claimed invention. Namely, Wallace (with Schoenberg) neither discloses nor suggests “a cursor is displayed indicating a selected time during the selected time frame” and “a time display field displays the time corresponding to the selected cursor time,” respectively. Rather, column 15, lines 19-26 of Wallace cited in the Office Action recites “The breath diagram 330 includes a time line 332 that is displayed for **scale purposes only**, an inspiration bar 334 indicating the portion of the total breath duration during which inspiration will take place, an expiration bar 336 indicating the portion of the total breath duration during which expiration will take place.” Thus, this time line merely shows the portions of inspiration and expiration relative to the total breath. This is wholly unlike the present claimed invention which uses an actual time, namely, whereby “a cursor is displayed indicating a selected time during the selected time frame” and “a time display field displays the time corresponding to the selected cursor time.”

Applicant further respectfully submits that Wallace (with Schoenberg) also neither discloses nor suggests “displaying the acquired data within a user-selected time

Application No. 09/942,516 Attorney Docket No. 2000P09059US01  
frame” as recited in claim 13 of the present invention. Rather, column 7, lines 12-15 of Wallace describes starting a timer and recording the value of the time at any given instant. Column 7, lines 54-56 of Wallace describes displaying the values of an individual setting. Nowhere in these passages, or elsewhere in Wallace (with Schoenberg), is there any disclosure or suggestion of a user selecting a time frame for displaying the data as in claim 13 of the present invention. Further, column 18, lines 36-46 of Wallace describes that alarm conditions are stored. The alarm conditions are the values associated with a particular patient parameter. When the parameter is achieved, an alarm is activated. Applicant respectfully submits that setting an alarm is entirely different from selecting a time frame in which to view data. Applicant respectfully submits that these passages and elsewhere in Wallace neither disclose nor suggest “displaying the acquired data within a user-selected time frame” as recited in the present claimed invention.

It is further respectfully submitted that Wallace (with Schoenberg), neither discloses nor suggests the features of claims 21 and 22. Namely, Wallace (with Schoenberg) neither discloses nor suggests “a scalability icon for selecting a time scale of the displayed acquired data in both said graphical and tabular format,” as claimed in claims 21 and 22. Rather, column 15, lines 29-26 of Wallace describes the vent setting screen which includes a “time line 332 that is **displayed for scale purposes only.**” This time line merely shows the portions of inspiration and expiration relative to the total breath. In the present claimed invention, on the other hand, the user is able to **change the scale** of the displayed data, thereby expanding or compressing the data displayed in the tabular and graphical panels. The compressed display of the data when a smaller scale is used provides a more detailed presentation of the data. The expanded display of the data, on the other hand, is achieved when a larger scale is used and thereby displays a trend of the data (Specification page 7, lines 15-19). Patient safety is enhanced by providing the caregiver with the ability to change the view of the data. The caregiver decides which view will provide them with the needed information, namely a detailed look at the parameters or a parameter trend, at that particular moment.

Application No. 09/942,516

Attorney Docket No. 2000P09059US01

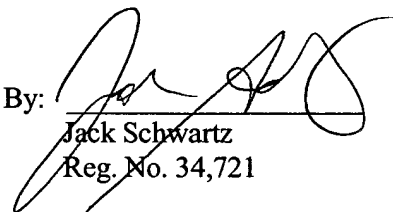
In view of the above remarks, it is respectfully submitted that there is no 35 USC 112 enabling disclosure in either Wallace et al. or Schoenberg et al., when taken alone or in combination, that makes the present claimed invention unpatentable. Consequently, withdrawal of the Rejection of Claims 1, 11 and 18 under 35 USC 103(a) is respectfully requested. As claims 2-6, 8-10, 21 and 23 are dependent on claim 1, claims 12-16 and 22 are dependent on claim 11 and claims 19-20 are dependent on claim 18, it is respectfully submitted that these claims are also not unpatentable over Wallace et al. and Schoenberg et al. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No additional fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 50-2828.

Respectfully submitted,  
John E. Auer

By:

  
Jack Schwartz  
Reg. No. 34,721

Jack Schwartz & Associates  
1350 Broadway, Suite 1510  
New York, New York 10018  
Tel. No. (212) 971-0416  
November 7, 2006